

**Department of Education**

**Legislative Delegations**

**Delegation of  
Director-General's Powers**

**under**

***Education (Overseas Students) Act 2018***

(Version 3 – March 2023)

*NOTE: In accordance with the Managing delegations, authorisations and administrative approvals procedure, legislative delegations are centrally managed by Policy and Statutory Engagement. Policy and Statutory Engagement must be contacted for all proposed amendments to these delegations.*

# INSTRUMENT OF DELEGATION

## *Education (Overseas Students) Act 2018*

I, Michael De'Ath, Director-General of the Department of Education, under section 101 of the *Education (Overseas Students) Act 2018*, DELEGATE those powers and functions conferred or imposed on me under the provisions of the *Education (Overseas Students) Act 2018*, which are specified in **Column 1** of Schedule 1, subject to the limitations (if any) specified in **Column 3** of Schedule 1, to the persons who are from time to time the holders of each position specified in **Column 4** of Schedule 1.

This Instrument of Delegation is comprised of this page, and Schedule 1 comprising 17 pages. No other material forms part of the Instrument.

This Instrument of Delegation revokes and replaces any Instrument of Delegation previously issued with respect to the powers and functions of the Director-General under the *Education (Overseas Students) Act 2018*.



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**MICHAEL DE'ATH  
DIRECTOR-GENERAL  
DEPARTMENT OF EDUCATION**

SIGNED AT BRISBANE THIS 16<sup>th</sup> day of March, 2023.

**SCHEDULE 1 – Table of Delegated Powers of Director-General  
Education (Overseas Students) Act 2018**

Schedule 1 – Table of Director-General’s Delegated Powers – Education (Overseas Students) Act 2018			
Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
<b>Chapter 2 – Approvals</b>			
<b>Part 1 – Obtaining approvals</b>			
<b>Division 1 – Obtaining school provider approvals</b>			
<b>s.8</b>	<p><b>Deciding application</b></p> <p>(1) The chief executive must decide to give or refuse to give the school provider approval, in whole or in part—</p> <p>(a) within 6 months after the application is made; or</p> <p>(b) if the chief executive and the applicant agree in writing to a longer period within which the chief executive must make the decision—within the longer period.</p> <p>(2) The chief executive may decide to give the school provider approval, in whole or in part, only if the chief executive is satisfied—</p> <p>(a) the applicant is complying, or will comply, with—</p> <p>(i) this Act; and</p> <p>(ii) the Commonwealth Act; and</p> <p>(iii) each provision of the national code that applies, or will apply, to the applicant; and</p> <p>(iv) each provision of the ELICOS Standards, if any, that applies, or will apply, to the applicant; and</p> <p>(b) if the applicant is not an exempt applicant—the applicant is fit and proper to provide a course or courses at a location or locations to overseas students.</p> <p>(3) In this section— <i>exempt applicant</i> means a school entitled to receive funds under a law of the Commonwealth for recurrent expenditure for the provision of education or training.</p>	<p><i>Note—</i> Section 30 (further information to decide the application).</p> <p>If the decision is to grant the approval, see: s.10 (mandatory conditions); s.11 (term of approval); and s.12 (duty to give the applicant notice of the decision).</p> <p>If the decision is to refuse to grant the approval, or to grant the approval on a condition, see s.12 (duty to give the applicant an information notice about the decision)</p> <p>If no decision is made within the stated or agreed time, see s.13 (duty to give the applicant an information notice about the decision)</p>	<ul style="list-style-type: none"> <li>• Manager, International Quality (Schools)</li> <li>• Executive Director, Registration Services (International, Non-State and Home Education)</li> </ul>
<b>s.9</b>	<p><b>Conditions</b></p> <p>A school provider approval may be subject to the conditions the chief executive considers appropriate, including, for example, a condition that—</p> <p>(a) there be no net increase, or only a limited net increase, in the number of</p>		<ul style="list-style-type: none"> <li>• Manager, International Quality (Schools)</li> <li>• Executive Director, Registration Services (International,</li> </ul>

<b>Schedule 1 – Table of Director-General’s Delegated Powers – Education (Overseas Students) Act 2018</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Reference</b>	<b>Nature of Power</b>	<b>Observations / Limitations</b>	<b>Delegate</b>
	overseas students enrolled with the holder; or (b) the holder enrol only a limited number of new overseas students; or (c) the holder not accept any new students from a stated country; or (d) the holder not deal with a stated agent in relation to overseas students or intending overseas students; or (e) the holder not provide a stated course.		Non-State and Home Education)
<b>s.10</b>	<b>Mandatory condition</b>  (1) It is a condition of a school provider approval that the holder must comply with a request by the chief executive to give the chief executive information kept by the holder under a relevant law.  (2) In this section— <b>information</b> includes a document.		<ul style="list-style-type: none"> <li>• Manager, International Quality (Schools)</li> <li>• Executive Director, Registration Services (International, Non-State and Home Education)</li> </ul>
<b>s.12</b>	<b>Steps after, and taking effect of, decision</b>  (1) If the chief executive decides to give a school provider approval, the chief executive must give the applicant notice of the decision.  (2) The approval takes effect when the holder is given the notice or, if the notice states a later day of effect, on the later day.  (3) If the chief executive decides to refuse to give a school provider approval, or to impose a condition on the approval, the chief executive must give the applicant an information notice about the decision.  (4) A decision to refuse to give a school provider approval takes effect when the applicant is given the information notice or, if the information notice states a later day of effect, on the later day.		<ul style="list-style-type: none"> <li>• Manager, International Quality (Schools)</li> <li>• Executive Director, Registration Services (International, Non-State and Home Education)</li> </ul>
<b>s.13</b>	<b>Failure to decide application</b>  (1) If the chief executive fails to decide an application for a school provider approval within the period applying under section 8(1), the failure is taken to be a decision by the chief executive to refuse to give the approval.		<ul style="list-style-type: none"> <li>• Manager, International Quality (Schools)</li> <li>• Executive Director, Registration Services</li> </ul>

<b>Schedule 1 – Table of Director-General’s Delegated Powers – Education (Overseas Students) Act 2018</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Reference</b>	<b>Nature of Power</b>	<b>Observations / Limitations</b>	<b>Delegate</b>
	(2) If the chief executive is taken to have refused to give an approval under subsection (1), the applicant is entitled to be given an information notice by the chief executive about the decision.		(International, Non-State and Home Education)
<b>Division 2 – Obtaining student exchange approvals</b>			
<b>s.16</b>	<p><b>Deciding application</b></p> <p>(1) The chief executive must decide to give or refuse to give the student exchange approval—</p> <p>(a) within 6 months after the application is made; or</p> <p>(b) if the chief executive and the applicant agree in writing to a longer period within which the chief executive must make the decision—within the longer period.</p> <p>(2) The chief executive may decide to give the student exchange approval only if the chief executive is satisfied—</p> <p>(a) the applicant is complying, or will comply, with—</p> <p>(i) this Act; and</p> <p>(ii) the guidelines, including, for example, the reciprocity obligation; and</p> <p>(b) the applicant is fit and proper to provide an international secondary student exchange program.</p>	<p><i>Note—</i> Section 30 (further information to decide the application).</p> <p>If the decision is to grant the approval, see: s.18 (mandatory condition); s.19 (term of approval); and 20 (duty to give the applicant notice of the decision).</p> <p>If the decision is to refuse to grant the approval, or to grant the approval on a condition, see s.20 (duty to give the applicant an information notice about the decision).</p> <p>If no decision is made within the stated or agreed time, see s.21 (duty to give the applicant an information notice about the decision).</p>	<ul style="list-style-type: none"> <li>• Manager, International Quality (Schools)</li> <li>• Executive Director, Registration Services (International, Non-State and Home Education)</li> </ul>
<b>s.17</b>	<p><b>Conditions</b></p> <p>A student exchange approval may be subject to the conditions the chief executive considers appropriate, including, for example, a condition that—</p> <p>(a) the holder complies with the guidelines, including, for example, the reciprocity obligation; or</p> <p>(b) the holder complies with a reciprocity management plan for the holder.</p>		<ul style="list-style-type: none"> <li>• Manager, International Quality (Schools)</li> <li>• Executive Director, Registration Services (International, Non-State and Home Education)</li> </ul>
<b>s.18</b>	<p><b>Mandatory condition</b></p> <p>(1) It is a condition of a student exchange approval that the holder must comply with a request by the chief executive to</p>		<ul style="list-style-type: none"> <li>• Manager, International Quality (Schools)</li> <li>• Executive Director,</li> </ul>

<b>Schedule 1 – Table of Director-General’s Delegated Powers – Education (Overseas Students) Act 2018</b>			
Column 1	Column 2	Column 3	Column 4
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	<p>give the chief executive information kept by the holder under a relevant law.</p> <p>(2) In this section— <i>information</i> includes a document.</p>		<p>Registration Services (International, Non-State and Home Education)</p>
<b>s.20</b>	<p><b>Steps after, and taking effect of, decision</b></p> <p>(1) If the chief executive decides to give a student exchange approval, the chief executive must give the applicant notice of the decision.</p> <p>(2) The approval takes effect when the holder is given the notice or, if the notice states a later day of effect, on the later day.</p> <p>(3) If the chief executive decides to refuse to give a student exchange approval, or to impose a condition on the approval, the chief executive must give the applicant an information notice about the decision.</p> <p>(4) A decision to refuse to give a student exchange approval takes effect when the applicant is given the information notice or, if the information notice states a later day of effect, on the later day.</p>		<ul style="list-style-type: none"> <li>• Manager, International Quality (Schools)</li> <li>• Executive Director, Registration Services (International, Non-State and Home Education)</li> </ul>
<b>s.21</b>	<p><b>Failure to decide application</b></p> <p>(1) If the chief executive fails to decide an application for a student exchange approval within the period applying under section 16(1), the failure is taken to be a decision by the chief executive to refuse to give the approval.</p> <p>(2) If the chief executive is taken to have refused to give an approval under subsection (1), the applicant is entitled to be given an information notice by the chief executive about the decision.</p>		<ul style="list-style-type: none"> <li>• Manager, International Quality (Schools)</li> <li>• Executive Director, Registration Services (International, Non-State and Home Education)</li> </ul>
<b>Part 2 – Amendment</b>			
<b>s.22</b>	<p><b>Amendment on application</b></p> <p>(1) The holder of an approval may apply to the chief executive for an amendment of the approval.</p> <p>(2) The application must be— (a) made in the approved form; and (b) accompanied by the fee prescribed by regulation.</p>	<p><i>Note—</i> For a decision to amend the approval, see s.24 (duty to give the holder notice of the decision).</p> <p>For a decision to refuse to amend the approval, see s.24 (duty to give the holder an information</p>	<ul style="list-style-type: none"> <li>• Manager, International Quality (Schools)</li> <li>• Executive Director, Registration Services (International, Non-State and</li> </ul>

<b>Schedule 1 – Table of Director-General’s Delegated Powers – Education (Overseas Students) Act 2018</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Reference</b>	<b>Nature of Power</b>	<b>Observations / Limitations</b>	<b>Delegate</b>
	<p>(3) The chief executive must decide the application by—</p> <p>(a) amending the approval in the way applied for; or</p> <p>(b) with the applicant’s written agreement, amending the approval in another way; or</p> <p>(c) refusing to amend the approval.</p> <p>(4) Without limiting subsection (3), an amendment may impose a condition on, or vary or remove a condition of, the approval.</p> <p>(5) The chief executive must make a decision on the application—</p> <p>(a) within 30 days after the application is made; or</p> <p>(b) if the chief executive and the applicant agree in writing to a longer period within which the chief executive must make the decision—within the longer period.</p>	<p>notice about the decision).</p> <p>If no decision is made within the stated or agreed time, see s.25 (duty to give the applicant an information notice about the decision).</p>	Home Education)
<b>s.23</b>	<p><b>Amendment by chief executive</b></p> <p>(1) The chief executive may decide to amend an approval at any time without an application from the holder.</p> <p>(2) Without limiting subsection (1), an amendment may impose a condition on, or vary or remove a condition of, the approval.</p>	<p><i>Note—</i> Section 24 (duty to give the holder an information notice about the decision).</p>	<ul style="list-style-type: none"> <li>• Manager, International Quality (Schools)</li> <li>• Executive Director, Registration Services (International, Non-State and Home Education)</li> </ul>
<b>s.24</b>	<p><b>Steps after, and taking effect of, decision</b></p> <p>(1) If the chief executive decides to amend an approval under section 22, the chief executive must give the holder notice of the decision.</p> <p>(2) The amendment takes effect when the holder is given the notice or, if the notice states a later day of effect, on the later day.</p> <p>(3) If the chief executive decides to refuse to amend an approval under section 22, or to amend an approval under section 23, the chief executive must give the holder an information notice about the decision.</p> <p>(4) A decision to refuse to amend an approval under section 22 takes effect when the holder is given the information</p>		<ul style="list-style-type: none"> <li>• Manager, International Quality (Schools)</li> <li>• Executive Director, Registration Services (International, Non-State and Home Education)</li> </ul>

<b>Schedule 1 – Table of Director-General’s Delegated Powers – Education (Overseas Students) Act 2018</b>			
Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	notice or, if the information notice states a later day of effect, on the later day. (5) A decision to amend an approval under section 23 takes effect 10 days after the holder is given the information notice or, if the information notice states a later day of effect, on the later day.		
<b>s.25</b>	<b>Failure to decide application</b>  (1) If the chief executive fails to decide an application for amendment of an approval within the period applying under section 22(5), the failure is taken to be a decision by the chief executive to refuse to amend the approval. (2) If the chief executive is taken to have refused to amend an approval under subsection (1), the applicant is entitled to be given an information notice by the chief executive about the decision.		<ul style="list-style-type: none"> <li>• Manager, International Quality (Schools)</li> <li>• Executive Director, Registration Services (International, Non-State and Home Education)</li> </ul>
<b>Part 3 - Renewal</b>			
<b>s.27</b>	<b>Deciding application</b>  (1) The chief executive must decide to renew, or refuse to renew, the approval— (a) within 6 months after the application is made; or (b) if the chief executive and the applicant agree in writing to a longer period within which the chief executive must make the decision—within the longer period. (2) The chief executive may decide to renew the approval only if the chief executive is satisfied— (a) for a school provider approval—of the matters mentioned in section 8(2); or (b) for a student exchange approval—of the matters mentioned in section 16(2). (3) The renewed approval’s term cannot be more than— (a) for a school provider approval—7 years; or (b) for a student exchange approval—6 years. (4) If the chief executive has not made a decision under subsection (1) before the day on which the holder’s approval is due to expire, the holder’s approval continues	<i>Note—</i> For a decision to renew the approval, see s.28 (duty to give the holder notice of the decision).  For a decision to refuse to renew the approval, see s.28 (duty to give the holder an information notice about the decision).	<ul style="list-style-type: none"> <li>• Manager, International Quality (Schools)</li> <li>• Executive Director, Registration Services (International, Non-State and Home Education)</li> </ul>

<b>Schedule 1 – Table of Director-General’s Delegated Powers – Education (Overseas Students) Act 2018</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Reference</b>	<b>Nature of Power</b>	<b>Observations / Limitations</b>	<b>Delegate</b>
	until the chief executive’s decision takes effect.		
<b>s.28</b>	<p><b>Steps after, and taking effect of, decision</b></p> <p>(1) If the chief executive decides to renew the approval, the chief executive must give the holder notice of the decision.</p> <p>(2) The renewal of the approval takes effect when the holder is given the notice or, if the notice states a later day of effect, on the later day.</p> <p>(3) If the chief executive decides to refuse to renew the approval, the chief executive must give the holder an information notice about the decision.</p> <p>(4) The refusal takes effect when the holder is given the information notice or, if the information notice states a later day of effect, on the later day.</p>		<ul style="list-style-type: none"> <li>• Manager, International Quality (Schools)</li> <li>• Executive Director, Registration Services (International, Non-State and Home Education)</li> </ul>
<b>Part 4 – Inquiries about applications</b>			
<b>s.30</b>	<p><b>Inquiry about application</b></p> <p>(1) Before deciding the application, the chief executive may, by notice given to the applicant, require the applicant to give the chief executive within the reasonable period of at least 14 days stated in the notice, further information or a document the chief executive reasonably requires to decide the application.</p> <p>(2) The applicant is taken to have withdrawn the application if, within the stated period, the applicant does not comply with the requirement.</p> <p>(3) The information or document under subsection (1) must, if the notice requires, be verified by statutory declaration.</p>		<ul style="list-style-type: none"> <li>• Manager, International Quality (Schools)</li> <li>• Executive Director, Registration Services (International, Non-State and Home Education)</li> </ul>
<b>Part 5 – Compliance notices</b>			
<b>s.31</b>	<p><b>When compliance notice may be given</b></p> <p>(1) This section applies if the chief executive believes—</p> <p style="padding-left: 20px;">(a) the holder of an approval is failing, or has failed, to comply with—</p> <p style="padding-left: 40px;">(i) for a school provider approval—</p> <p style="padding-left: 60px;">(A) a condition of the approval;</p> <p style="padding-left: 40px;">or</p>	<p><i>Note—</i> Section 32 (requirements for compliance notice).</p>	<ul style="list-style-type: none"> <li>• Manager, International Quality (Schools)</li> <li>• Executive Director, Registration Services (International,</li> </ul>

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	<p>(B) this Act; or (C) the Commonwealth Act; or (D) a provision of the national code applying to the holder; or (E) a provision of the ELICOS Standards applying to the holder; or (ii) for a student exchange approval— (A) a condition of the approval; or (B) this Act; or (C) the guidelines, including, for example, the reciprocity obligation; or (D) a reciprocity management plan for the holder; and (b) a matter relating to the failure is reasonably capable of being rectified; and (c) it is appropriate to give the holder an opportunity to rectify the matter. (2) The chief executive may give the holder a notice (a <b>compliance notice</b>) requiring the holder to refrain from doing an act or to rectify the matter.</p>		Non-State and Home Education)
<b>Part 6 – Sanctions for non-compliance</b>			
<b>Division 1 – Conditions, suspension and cancellation</b>			
<b>s.33</b>	<p><b>Grounds for taking action</b></p> <p>(1) The chief executive may take 1 or more of the actions mentioned in subsection (2) in relation to an approval if— (a) the approval was obtained because of incorrect or misleading information; or (b) the chief executive believes the holder has failed to comply with a condition of the approval; or (c) the chief executive believes the holder has failed to comply with— (i) for a school provider approval— (A) this Act; or (B) the Commonwealth Act; or (C) a provision of the national code applying to the holder; or (D) a provision of the ELICOS Standards applying to the holder; or (ii) for a student exchange approval— (A) this Act; or</p>	<p><i>Note—</i> Section 34 (show cause notice before taking action).  Section 36 (immediate suspension without show cause notice).</p>	<ul style="list-style-type: none"> <li>• Manager, International Quality (Schools)</li> <li>• Executive Director, Registration Services (International, Non-State and Home Education)</li> </ul>

<b>Schedule 1 – Table of Director-General’s Delegated Powers – Education (Overseas Students) Act 2018</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Reference</b>	<b>Nature of Power</b>	<b>Observations / Limitations</b>	<b>Delegate</b>
	<p>(B) the guidelines, including, for example, the reciprocity obligation; or</p> <p>(C) a reciprocity management plan for the holder; or</p> <p>(d) the chief executive believes the holder has failed to comply, without a reasonable excuse, with a compliance notice; or</p> <p>(e) the holder is convicted of an offence against this Act or the Commonwealth Act; or</p> <p>(f) the holder has been charged with an indictable offence or any other circumstance indicates that the holder may not be a fit and proper person to hold the approval.</p> <p>(2) The actions are—</p> <p>(a) to impose a condition on, or vary or remove a condition of, the approval; or</p> <p>(b) to suspend the approval for a stated period of not more than 6 months; or</p> <p>(c) to cancel the approval.</p>		
<b>s.34</b>	<p><b>Show cause notice before taking action</b></p> <p>(1) This section applies if the chief executive is considering taking action under section 33.</p> <p>(2) The chief executive must first give the holder a notice (a <i>show cause notice</i>) stating—</p> <p>(a) that the chief executive intends to take the action; and</p> <p>(b) the proposed action; and</p> <p>(c) the reasons for the proposed action; and</p> <p>(d) that the holder may, within 30 days after the notice is given, give the chief executive a written response to the proposed action.</p>		<ul style="list-style-type: none"> <li>• Manager, International Quality (Schools)</li> <li>• Executive Director, Registration Services (International, Non-State and Home Education)</li> </ul>
<b>s.35</b>	<p><b>Decision in relation to taking action after show cause process</b></p> <p>(1) After considering any written response from the holder received under section 34(2)(d), the chief executive may decide to take, or not to take, the action.</p> <p>(2) If the chief executive decides not to take the action, the chief executive must give the holder notice of the decision.</p>	<p><i>Note—</i> Section 37 (duty to give the holder an information notice about the decision)</p>	<ul style="list-style-type: none"> <li>• Manager, International Quality (Schools)</li> <li>• Executive Director, Registration Services (International, Non-State and Home Education)</li> </ul>

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Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
s.36	<p><b>Immediate suspension without show cause notice</b></p> <p>(1) The chief executive may suspend an approval on a ground mentioned in section 33(1) without giving the holder a show cause notice if the chief executive is satisfied there is an immediate risk to the safety, health or wellbeing of overseas students or Queensland students.</p> <p>(2) The suspension may not be for a period of more than 6 months.</p>	<p><i>Note—</i> Section 37 (duty to give the holder an information notice about the decision)</p>	<ul style="list-style-type: none"> <li>• Manager, International Quality (Schools)</li> <li>• Executive Director, Registration Services (International, Non-State and Home Education)</li> </ul>
s.37	<p><b>Information notice and taking effect of action or immediate suspension</b></p> <p>(1) The chief executive must give the holder an information notice about a decision under section 35 to take action or a decision under 36 to suspend an approval.</p> <p>(2) A decision under section 35 to take action takes effect at the end of 10 days after the date of the decision or, if the information notice states a later day of effect, on the later day.</p> <p>(3) A decision under section 36 to suspend an approval takes effect on the giving of the information notice.</p>		<ul style="list-style-type: none"> <li>• Manager, International Quality (Schools)</li> <li>• Executive Director, Registration Services (International, Non-State and Home Education)</li> </ul>
<b>Division 2 – Effect of suspension</b>			
s.38	<p><b>Effect of suspension of school provider approval</b></p> <p>(1) If a school provider approval is suspended under this part in relation to a course for a location, the holder must not—</p> <p style="padding-left: 20px;">(a) do anything for the purpose of recruiting or enrolling overseas students or intending overseas students for the course at the location; or</p> <p style="padding-left: 20px;">(b) solicit or accept any money from an overseas student or intending overseas student for the course at the location; or</p> <p style="padding-left: 20px;">(c) if an accepted student of the holder has not begun the course—permit the student to begin the course.</p> <p>(2) However, the chief executive may, by notice given to the holder, permit the holder, for the whole or a stated part of the period of the suspension, to solicit or</p>		<ul style="list-style-type: none"> <li>• Manager, International Quality (Schools)</li> <li>• Executive Director, Registration Services (International, Non-State and Home Education)</li> </ul>

<b>Schedule 1 – Table of Director-General’s Delegated Powers – Education (Overseas Students) Act 2018</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Reference</b>	<b>Nature of Power</b>	<b>Observations / Limitations</b>	<b>Delegate</b>
	<p>accept money from an overseas student who has started the course.</p> <p>(3) The holder is still the holder of the school provider approval in relation to the course for the location for all other purposes.</p> <p>(4) In this section— <b>accepted student</b>, of the holder, means a student, whether within or outside Australia— (a) who is accepted for enrolment, or enrolled, in a course provided by the holder; and (b) who is, or will be, required to hold a student visa to undertake or continue the course.</p>		
<b>s.39</b>	<p><b>Effect of suspension of student exchange approval</b></p> <p>(1) If a student exchange approval is suspended under this part in relation to an international secondary student exchange program, the holder must not— (a) do anything for the purpose of recruiting students or intending students for the program; or (b) solicit or accept any money from a student or intending student for the program; or (c) if an accepted student of the holder has not begun the program—permit the student to begin the program.</p> <p>(2) However, the chief executive may, by notice given to the holder, permit the holder, for the whole or a stated part of the period of the suspension, to solicit or accept money from a student who has started the program.</p> <p>(3) The holder is still the holder of the school exchange approval in relation to the program for all other purposes.</p> <p>(4) In this section— <b>accepted student</b>, of the holder, means a student, whether within or outside Australia, who is accepted for a program provided by the holder.</p>		<ul style="list-style-type: none"> <li>• Manager, International Quality (Schools)</li> <li>• Executive Director, Registration Services (International, Non-State and Home Education)</li> </ul>
<b>Part 7 – Surrender</b>			
<b>s.40</b>	<p><b>Surrender of approval</b></p> <p>(1) The holder of an approval may surrender the approval by giving the chief executive notice of the surrender.</p>		<ul style="list-style-type: none"> <li>• Manager, International Quality (Schools)</li> <li>• Executive</li> </ul>

<b>Schedule 1 – Table of Director-General’s Delegated Powers – Education (Overseas Students) Act 2018</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Reference</b>	<b>Nature of Power</b>	<b>Observations / Limitations</b>	<b>Delegate</b>
	(2) The surrender takes effect— (a) on the day that is 14 days after the day the notice is given to the chief executive; or (b) if the chief executive agrees in writing with the holder to a day earlier than the day mentioned in paragraph (a)—on the earlier day; or (c) if the notice states a day later than the day mentioned in paragraph (a)—on the later day.		Director, Registration Services (International, Non-State and Home Education)
<b>Chapter 3 – Investigation and enforcement</b>			
<b>Part 1 – General provisions about authorised persons</b>			
<b>Division 1 – Appointment</b>			
<b>s.43</b>	<b>Appointment and qualifications</b>  The chief executive may, by instrument in writing, appoint an appropriately qualified person as an authorised person.	<i>Note—</i> Section 44 (appointment conditions and limit on powers)  Section 45 (term of office)  Section 47 (duty to issue identity card)	<ul style="list-style-type: none"> <li>• Executive Director, Registration Services (International, Non-State and Home Education)</li> </ul>
<b>s.44</b>	<b>Appointment conditions and limit on powers</b>  (1) An authorised person holds office on any conditions stated in— (a) the authorised person’s instrument of appointment; or (b) a signed notice given to the authorised person; or (c) a regulation.  (2) The instrument of appointment, a signed notice given to the authorised person or a regulation may limit the authorised person’s powers.  (3) In this section— <i>signed notice</i> means a notice signed by the chief executive.		<ul style="list-style-type: none"> <li>• Executive Director, Registration Services (International, Non-State and Home Education)</li> </ul>
<b>Division 2 – Identity cards</b>			
<b>s.47</b>	<b>Issue of identity card</b>  (1) The chief executive must issue an identity card to each authorised person. (2) The identity card must— (a) contain a recent photo of the authorised person; and	<i>Note—</i> Section 49 if a person ceases to be an authorised person the person must return the person’s identity card.	<ul style="list-style-type: none"> <li>• Manager, International Quality (Schools)</li> <li>• Executive Director, Registration Services</li> </ul>

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<b>Reference</b>	<b>Nature of Power</b>	<b>Observations / Limitations</b>	<b>Delegate</b>
	<p>(b) contain a copy of the authorised person’s signature; and</p> <p>(c) identify the person as an authorised person under this Act; and</p> <p>(d) state an expiry date for the card.</p> <p>(3) This section does not prevent the issue of a single identity card to a person for this Act and other purposes.</p>		(International, Non-State and Home Education)
<b>Part 3 – Other authorised persons’ powers and related matters</b>			
<b>Division 2 – Seizure by authorised persons and forfeiture</b>			
<b>Subdivision 3 – Safeguards for seized things</b>			
<b>s.73</b>	<p><b>Return of seized thing</b></p> <p>(1) This section applies if a seized thing is not forfeited under subdivision 4.</p> <p>(2) As soon as the chief executive stops being satisfied there are reasonable grounds for retaining the thing, the chief executive must return it to its owner.</p> <p>(3) If the thing is not returned to its owner within 3 months after it was seized, the owner may apply to the chief executive for its return.</p> <p>(4) Within 30 days after receiving the application, the chief executive must—</p> <p style="padding-left: 20px;">(a) if the chief executive is satisfied there are reasonable grounds for retaining the thing and decides to retain it—give the owner an information notice about the decision; or</p> <p style="padding-left: 20px;">(b) otherwise—return the thing to the owner.</p> <p>(5) For this section, there are reasonable grounds for retaining a seized thing if—</p> <p style="padding-left: 20px;">(a) the thing is being, or is likely to be, examined; or</p> <p style="padding-left: 20px;">(b) the thing is needed, or may be needed, for the purposes of—</p> <p style="padding-left: 40px;">(i) a proceeding for an offence against this Act that is likely to be started or that has been started but not completed; or</p> <p style="padding-left: 40px;">(ii) an appeal from a decision in a proceeding for an offence against this Act; or</p> <p style="padding-left: 20px;">(c) it is not lawful for the owner to possess the thing.</p> <p>(6) Subsection (5) does not limit the grounds that may be reasonable grounds for retaining the seized thing.</p> <p>(7) Nothing in this section affects a lien or other security over the seized thing.</p>		<ul style="list-style-type: none"> <li>• Manager, International Quality (Schools)</li>   <li>• Executive Director, Registration Services (International, Non-State and Home Education)</li> </ul>

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<b>Reference</b>	<b>Nature of Power</b>	<b>Observations / Limitations</b>	<b>Delegate</b>
<b>Subdivision 4 – Forfeiture</b>			
<b>s.74</b>	<p><b>Forfeiture by chief executive decision</b></p> <p>(1) The chief executive may decide a seized thing is forfeited to the State if an authorised person—</p> <p>(a) after making reasonable inquiries, can not find an owner; or</p> <p>(b) after making reasonable efforts, can not return it to an owner.</p> <p>(2) However, the authorised person is not required to—</p> <p>(a) make inquiries if it would be unreasonable to make inquiries to find an owner; or</p> <p>(b) make efforts if it would be unreasonable to make efforts to return the thing to an owner.</p> <p><i>Example for paragraph (b)—</i> the owner of the thing has migrated to another country</p> <p>(3) Regard must be had to the thing’s condition, nature and value in deciding—</p> <p>(a) whether it is reasonable to make inquiries or efforts; and</p> <p>(b) if inquiries or efforts are made— what inquiries or efforts, including the period over which they are made, are reasonable.</p>		<ul style="list-style-type: none"> <li>• Manager, International Quality (Schools)</li> <li>• Executive Director, Registration Services (International, Non-State and Home Education)</li> </ul>
<b>s.75</b>	<p><b>Dealing with property forfeited to State</b></p> <p>(1) A thing becomes the property of the State if the thing is forfeited to the State under section 74(1).</p> <p>(2) The chief executive may deal with the thing as the chief executive considers appropriate, including, for example, by destroying it or giving it away.</p>		<ul style="list-style-type: none"> <li>• Manager, International Quality (Schools)</li> <li>• Executive Director, Registration Services (International, Non-State and Home Education)</li> </ul>
<b>Chapter 5 – Review</b>			
<b>Part 1 – Internal Review</b>			
<b>s.85</b>	<p><b>Application for review</b></p> <p>(1) The application must be made—</p> <p>(a) if the person is given an information notice about the decision—within 30 days after the person is given the information notice; or</p> <p>(b) otherwise—within 30 days after the person otherwise becomes aware of the decision.</p>		<ul style="list-style-type: none"> <li>• Manager – within Registration Services (International, Non-State and Home Education)</li> <li>• Executive Director, Registration</li> </ul>

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<b>Reference</b>	<b>Nature of Power</b>	<b>Observations / Limitations</b>	<b>Delegate</b>
	<p>(2) The chief executive may extend the time for making the application if, within the 30 day period applying under subsection (1), the person asks the chief executive to extend the time.</p> <p>(3) The application must be in the approved form and supported by enough information to enable the chief executive to decide the application.</p>		Services (International, Non-State and Home Education)
<b>s.86</b>	<p><b>Review decision</b></p> <p>(1) Unless the chief executive made the original decision personally, the chief executive must ensure the application is not dealt with by—</p> <p style="padding-left: 20px;">(a) the person who made the original decision; or</p> <p style="padding-left: 20px;">(b) a person in a less senior office in the department than the person who made the original decision.</p> <p>(2) Within 90 days after the making of the application, the chief executive must review the original decision and make a decision (the <i>review decision</i>)—</p> <p style="padding-left: 20px;">(a) confirming the original decision; or</p> <p style="padding-left: 20px;">(b) amending the original decision; or</p> <p style="padding-left: 20px;">(c) substituting another decision for the original decision.</p> <p>(3) The chief executive must make the review decision on the material that led to the original decision and any other material the chief executive considers relevant.</p> <p>(4) The chief executive must, as soon as practicable after making the review decision, give the applicant notice of the review decision.</p> <p>(5) If the review decision is not the decision sought by the applicant, the notice must comply with the QCAT Act, section 157(2).</p>		<ul style="list-style-type: none"> <li>• Manager – within Registration Services (International, Non-State and Home Education)</li> <li>• Executive Director, Registration Services (International, Non-State and Home Education)</li> </ul>
<b>Chapter 6 – General</b>			
<b>Part 2 - Student exchange approvals—guidelines and register</b>			
<b>s.94</b>	<p><b>Chief executive must establish register</b></p> <p>(1) The chief executive must establish and keep up-to-date a register of holders of student exchange approvals.</p> <p>(2) The register must contain the following information for each holder of a student exchange approval—</p>		<ul style="list-style-type: none"> <li>• Manager, International Quality (Schools)</li> </ul>

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Reference</b>	<b>Nature of Power</b>	<b>Observations / Limitations</b>	<b>Delegate</b>
	<p>(a) the name of the holder;            (b) if the holder is a not-for-profit organisation—                (i) the legal status of the organisation; and                (ii) the Australian company number or Australian registered body number for the holder under the Corporations Law; and                (iii) the name and title of its chief executive officer;            (c) the address and telephone number of the central or head office of the holder.</p> <p>(3) The register may contain other information the chief executive considers appropriate.</p> <p>(4) The register must be published on the department’s website.</p>		
<b>Part 3 – Confidentiality</b>			
<b>s.98</b>	<p><b>Disclosure to other jurisdictions</b></p> <p>(1) The chief executive may disclose the confidential information to an entity responsible for the administration or enforcement of a corresponding law if the chief executive is satisfied the disclosure would assist in the performance of the entity’s functions relating to the corresponding law.</p> <p>(2) In this section—  <i>corresponding law</i> means a law of another State or the Commonwealth relating to—            (a) the approval of schools or other entities to provide courses to overseas students; or            (b) the approval of schools or other entities to provide programs without tuition fees, of not more than 12 months, that enable under reciprocal arrangements—                (i) an overseas student to attend a secondary school in a State on a full-time basis; and                (ii) a student of a State to attend an overseas secondary school on a full-time basis.</p>		<ul style="list-style-type: none"> <li>• Manager, International Quality (Schools)</li> <li>• Executive Director, Registration Services (International, Non-State and Home Education)</li> </ul>
<b>s.99</b>	<p><b>Disclosure to Non-State Schools Accreditation Board</b></p> <p>(1) The chief executive may disclose the confidential information to the Non-State</p>		<ul style="list-style-type: none"> <li>• Manager, International Quality (Schools)</li> <li>• Executive</li> </ul>

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	<p>Schools Accreditation Board if the chief executive is satisfied the disclosure would assist in the performance of the board’s functions under the <i>Education (Accreditation of Non-State Schools) Act 2017</i>, section 100.</p> <p>(2) If the chief executive discloses confidential information under subsection (1), the information is protected information under the <i>Education (Accreditation of Non-State Schools) Act 2017</i>, section 176.</p>		<p>Director, Registration Services (International, Non-State and Home Education)</p>
<b>Part 4 - Miscellaneous</b>			
<b>s.103</b>	<p><b>Approved forms</b></p> <p>The chief executive may approve forms for use under this Act.</p>		<ul style="list-style-type: none"> <li>• Manager, International Quality (Schools)</li> <li>• Executive Director, Registration Services (International, Non-State and Home Education)</li> </ul>
<b>Schedule 1 – Dictionary</b>			
<b>Reciprocity management plan</b>	<p><b>Reciprocity management plan</b>, for a holder of a student exchange approval, means a plan approved by the chief executive that states the way in which the holder is to comply with the reciprocity obligation.</p>		<ul style="list-style-type: none"> <li>• Manager, International Quality (Schools)</li> <li>• Executive Director, Registration Services (International, Non-State and Home Education)</li> </ul>